

**REMARKS**

**I. Overview**

These remarks are set forth in response to the First Office Action mailed November 1, 2007. As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. At the time of the First Office Action, Claims 1 through 20 were pending and rejected in this application. Claims 1, 8 and 15 have been amended to correct a typographical error unrelated to patentability of these claims. Claims 1, 8 and 15 are independent. In the First Office Action, claims 1-20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0122693 to Hatscher et al. (hereinafter Hatscher).

**II. The Applicants' Invention**

The Applicants have invented a method and system for managing collaborative computing environment membership using invitation management. In accordance with the present invention, a system for managing membership in a networked collaborative computing environment community in which the system has a first workstation and a collaborative computing server in data communication with the first workstation via the network is provided. The collaborative computing server is operative to receive identification from the first workstation of a selected group of end user persons to invite to join the collaborative computing community. The collaborative computing server further is operative to evaluate the selected group to identify one or more invitees there from, to send a notification to the one or more

invitees extending an invitation to join the collaborative computing community and to receive an indication from one or more invitees that the invitee wishes to join the community.

### III. Rejections Under 35 U.S.C. §102(e)

#### A. Characterization of Hatscher

Hatscher relates to a system for systems for automatically building a community of members based on a primary interest of the members. Community templates are provided classifying primary interests of members into community types depending on the primary interests, a community template is selected based on a primary interest, and a community place is created for members to share information. Templates may be based on predefined templates according to a community types such as, for example, human interest, corporate interest, interest in cross-discipline knowledge exchange, interest in the same business objects, interest in the same tool, interest in the same organization, interest in the same activity, or other interest. The community of members may be able to communicate over predefined communication channel types such as an operational type, strategic type, and up-to-date type. The community of members also may be able to communicate within a communication channel using predefined message types based on the requirements of the community of members. (See paragraphs [0005] and [0006] of Hatscher).

B. Traversal of the Rejections on the Art

On page 2, paragraph 2 of the First Office Action, the Examiner asserted that Hatscher discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either explicitly or inherently, of each element of a claimed invention in a single reference<sup>1</sup>. Moreover, the anticipating prior art reference must describe the recited invention with sufficient clarity and detail to establish that the claimed limitations existed in the prior art and that such existence would be recognized by one having ordinary skill in the art<sup>2</sup>. As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference.<sup>3</sup> This burden has not been met.

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<sup>1</sup> In re Rijkeaert, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); Perkin-Elmer Corp. v. Computervision Corp., 732 F.2d 888, 894, 221 USPQ 669, 673 (Fed. Cir. 1984).

<sup>2</sup> See In re Spada, 911 F.2d 705, 708, 15 USPQ 1655, 1657 (Fed. Cir. 1990); Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 678, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988).

<sup>3</sup> Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

Claims 1, 8 and 15

Exemplary claim 1 recites as follows:

1. A method for managing membership in a collaborative computing environment community, the method comprising:  
receiving identification of a selected group of end user persons to invite to join the collaborative computing community;  
evaluating the selected group to identify one or more invitees there from;  
inviting the one or more identified invitees; and  
**receiving an indication from one or more invitees** that the invitee wishes to join the community.

Specifically, in paragraph 3 of the First Office Action, with regard to the “anticipation” rejection, the Examiner asserted the following:

As per independent Claims 1, 8, and 15, Hatscher discloses a method for managing membership in a collaborative computing environment community (Abstract), the method comprising: receiving identification of a selected group of end user persons to invite to join the collaborative computing community; evaluating the selected group to identify one or more invitees there from (Fig. 7A-7H, Para 0033, Para 0050-0052, People Finder; inviting the one or more identified invitees (Fig. 7A-7H, Para 0053, invitation); and receiving an indication from one or more invitees that the invitee wishes to join the community (Fig. 7A-7H, Para 0054, confirmation).

Applicants respectfully disagree with the Examiner’s analysis. In this regard, the Examiner referenced paragraph [0054], “confirmation”, which is produced for convenience below.

[0054] FIG. 7H illustrates an implementation of the confirmation screen 780 providing a display of the characteristics of the community. The confirmation screen 780 displays a summary 784 of the community including a description of the community, community type, tools and methods associated with the community, roles assigned to the members of the community, documents that can be shared in the community, and a **copy of the invitation sent to the members of the community**. In addition, the confirmation screen 780 provides a confirmation 782 that the community has been created. (emphasis added).

A careful examination of paragraph [0054] fails to find the claimed “**receiving an indication from one or more invitees that the invitee wishes to join the community**.” To the contrary,

paragraph [0053] of Hatscher only provides “a copy of the invitation sent to members of the community” which is only an indication that an invitation was sent by a user who wishes to create a community. Moreover, the confirmation 782 that the community has been created on confirmation screen 780 and illustrated in FIG. 7H specifically presents the message “Message sent. CONGRATULATIONS! You have created the community “3d Design Artwork”. Below is a summary of your community.” The confirmation 782 fails to fully disclose Applicants’ claimed feature of **“receiving an indication from one or more invitees that the invitee wishes to join the community.”**

Independent Claims 8 and 15 have the same or substantially the same “receiving an indication from one or more invitees that the invitee wishes to join the community” feature as recited in Claim 1. Thus, for the reason stated above with respect to Claim 1, Hatscher also fails to identically disclose each element of the claimed invention of Claims 8 and 15.

#### **Claims 2-7, 9-14 and 16-20**

The Applicants note that the Examiner has chosen not to specifically apply any portions of Hatscher in rejecting Claims 2-7, 9-14 and 16-20. The Applicants take issue with the Examiner’s course of conduct in this regard and remind the Examiner of the Examiner’s responsibility in providing a proper examination under 37 C.F.R. 104(c)(2) in which it is stated with emphasis added:

(2)In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, **the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.**

Clearly in this instance the Examiner has not met this very basic requirement.

In any event, Claims 2-7, 9-14 and 16-20 all depend from one of Claims 1, 8 and 15, and at least for the reasons stated, Hatscher fails to anticipate Claims 2-7, 9-14 and 16-20 as Hatscher also fails to identically disclose each element of the claimed invention of Claims 2-7, 9-14 and 16-20.

#### IV. Conclusion

For these reasons, the Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §102(e). This entire application is now believed to be in condition for allowance and such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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